

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

IN RE: Robert A. Killen

CASE NO. 13-52422kms
CHAPTER 13

OBJECTION TO SECURED CLAIM(S)

COME NOW the Debtors, Shaun L. And Heather M. Dunnam, by and through undersigned Counsel, and file this Objection to Secured Claims, setting forth the treatment to be provided to claim holders holding security interests in Debtors' collateral, to-wit:

MORTGAGE CREDITORS & SERVICERS

Mortgage Creditors and Servicers shall undertake the following practices and procedures subsequent to confirmation on Debtor(s) Chapter 13 plan:

A. If the underlying indebtedness is paid current post-petition, then mortgage creditors & servicers shall not seek to recover late fees. No late fees shall be recovered or demanded for administrative delay, but shall be limited only to actual defaults, for example, when the debtor fails to remit the payment due to the Chapter 13 Trustee.

B. Payments made on the pre-petition/pre-confirmation arrearage claims shall be exclusively applied to the arrearage claim. Regular monthly mortgage payments that are paid post-confirmation are to be applied to the monthly installment due in the month that the payment was made to the Chapter 13 Trustee, or in the month made by the Debtor directly to the mortgage creditor.

C. Failure to comply with the Order Confirming Plan, which shall approve the foregoing terms, may subject the offending party to sanctions, including but not limited to, the disallowance of all or any part of the secured claim, actual and exemplary damages, costs, and attorneys fees.

D. Mortgage creditors & servicers shall comply with the provisions codified in II U.S.C. Section 524(i) and the Standing Order Regarding Chapter 13 Claims, Secured by a Security Interest in Debtor's Principal Residence dated September 20, 2011.

- 1) **VETERANS HOME PURCHASE BOARD**
P.O. Box 54411
Pearl MS 39288-4411

Collateral:	Home @ 1997 Highland Drive, Gautier MS
Position:	1 st mortgage
Mortgage Bal:	\$164,078.00
Pre-petition arrearage:	\$0.00

Treatment: Debtor shall pay directly outside the Chapter 13 Plan.

VEHICLE(S) AND PERSONAL PROPERTY

- 1) **BLUE GREEN PROPERTIES**
4960 Conference Way North, Suite 100
Boca Raton FL 33431

Collateral:	time share in clear water fl
Position:	1 st lien
Balance:	\$6,000.00
Value:	\$0.00

Treatment: Debtor to relinquish to creditor for full value.

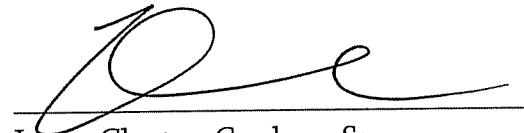
- 2) **UNITED CONSUMER FINANCIAL**
865 Bassett Road
Westlake OH 44145

Collateral:	Kirby Vacuum Cleaner
Position:	1 st lien
Balance:	\$1,595.00
Value:	\$0.00

Treatment: Debtor to relinquish to creditor for full value.

WHEREFORE PREMISES CONSIDERED, Debtor prays that this Objection to Secured Claims be received and filed and that the Court sustain Debtor's Objection by entry of an Order Confirming Chapter 13 Plan and pray for such further, other and general relief to which the Debtor may be entitled.

RESPECTFULLY SUBMITTED this the 23 day of December, 2013


James Clayton Gardner, Sr.

James Clayton Gardner, Sr.
3012 Canty Street
Pascagoula, MS 39567
(228) 762-6555

CHAPTER 13 PLAN
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

Debtor: Robert A. Killen SSN: XXX-XX-3687
Joint Debtor: _____ SSN: XXX-XX-
Address: 1997 Highland Drive
Gautier MS 39553

CASE NO. 13-52422kms
Median Income: ☒ Above ☐ Below

THIS PLAN DOES NOT ALLOW CLAIMS. Creditors must file a proof of claim to be paid under any plan that may be confirmed. The treatment of ALL secured and priority debts must be provided for in this plan.

PAYMENT AND LENGTH OF PLAN

The plan period shall be for a period of 60 months, not to be less than 36 months for below median income debtor(s), or less than 60 months for above median income debtor(s).

(A) Debtor shall pay \$ 450.00 (☒ monthly, ☐ semi-monthly, ☐ weekly, or ☐ bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the Court, an Order directing payment shall be issued to Debtor's employer at the following address:

HUNTINGTON INGALLS
P.O. BOX 149
PASCAGOULA MS 39568

(B) Joint Debtor shall pay \$ _____ (☐ monthly, ☐ semi-monthly, ☐ weekly, or ☐ bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the Court, an Order directing payment shall be issued to Debtor's employer at the following address:

PRIORITY CREDITORS.

Filed claims which are not disallowed are to be paid in full or as ordered by the Court as follows:

Internal Revenue Service: \$ 1,300.00 at \$ 21.67 /month
Mississippi Dept. of Revenue: \$ 403.00 at \$ 6.71 /month
Other/ _____: \$ _____ at \$ _____ /month

DOMESTIC SUPPORT OBLIGATION. DUE TO:

None

POST PETITION OBLIGATION: In the amount of \$ _____ per month beginning _____.
To be paid ☐ direct, ☐ through payroll deduction, or ☐ through the plan.

PRE-PETITION ARREARAGE: In the total amount of \$ _____ through _____ which shall be paid in the amount of \$ _____ per month beginning _____.
To be paid ☐ Direct, ☐ through payroll deduction, or ☐ through the plan.

HOME MORTGAGES. All claims secured by real property which are to be paid through the plan shall be scheduled below. Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed herein, subject to the start date for the continuing monthly mortgage payment proposed herein.

Mtg pmts to Veterans Home Beginning 1-1-14 @ \$ 1,299.00 ☐ Plan ☒ Direct
Mtg pmts to Purchase Board Beginning _____ @ \$ _____ ☐ Plan ☐ Direct
Mtg pmts to _____ Beginning _____ @ \$ _____ ☐ Plan ☐ Direct

Mtg arrears to None Through _____ \$ _____ @ \$ _____ /mo
Mtg arrears to _____ Through _____ \$ _____ @ \$ _____ /mo
Mtg arrears to _____ Through _____ \$ _____ @ \$ _____ /mo

Debtor's Initials PK

Joint Debtor's Initials _____

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MORTGAGE CLAIMS TO BE PAID IN FULL OVER PLAN TERM: NONE

Creditor: _____ Approx. amt. due: _____ Int. Rate: _____
 Property Address: _____ Are related taxes and/or insurance escrowed ☐ Yes ☐ No

Creditor: _____ Approx. amt. due: _____ Int. Rate: _____
 Property Address: _____ Are related taxes and/or insurance escrowed ☐ Yes ☐ No

NON-MORTGAGE SECURED CLAIMS. Creditors that have filed claims that are not disallowed are to retain lien(s) pursuant to 11 U.S.C. § 1325(a)(5)(B)(i)(I) until the payment of the debt determined as under non-bankruptcy law or discharge. Such creditors shall be paid as secured claimants the sum set out below or pursuant to other order of the Court. The portion of the claim not paid as secured shall be treated as a general unsecured claim.

CREDITOR'S NAME	COLLATERAL	910* CLM	APPROX. AMT. OWED	VALUE	INT. RATE	PAY VALUE OR AMT. OWED

* The column for "910 CLM" applies to both motor vehicles and "any other thing of value" as used in the "hanging paragraph" of 11 U.S.C. § 1325

SPECIAL CLAIMANTS including, but not limited to, co-signed debts, abandonment of collateral, direct payments by Debtor, etc. For all abandoned collateral Debtor will pay \$0.00 on the secured portion of the debt. Where the proposal is for payment, creditor must file a proof of claim to receive proposed payment.

CREDITOR'S NAME	COLLATERAL	APPROX. AMT. OWED	PROPOSED TREATMENT
Blue Green Properties	Time Share in Clear Water F	\$6,000.00	to relinquish to creditor for full value
United Consumer Financial	kirby Vacuum	\$1,595.00	to relinquish to creditor for full value

STUDENT LOANS which are not subject to discharge pursuant to 11 U.S.C. §§ 523(a)(8) and 1328(c) are as follows (such debts shall not be included in the general unsecured total):

CREDITOR'S NAME	APPROX. AMT. OWED	CONTRACTUAL MO. PMT.	PROPOSED TREATMENT
None			

SPECIAL PROVISIONS which may apply to any or all payments to be paid through the plan, including, but not limited to, adequate protection payments:

None

GENERAL UNSECURED CLAIMS total approximately \$ 20,218.64. Such claims must be *timely filed* and not disallowed to receive payment as follows: xx IN FULL (100%), 100 % (percent) MINIMUM, or a total distribution of \$ _____, with the Trustee to determine the percentage distribution. *Those general unsecured claims not timely filed shall be paid nothing, absent order of the Court.*

Total attorney fee charged: \$ 3,000.00
Attorney fee previously paid: \$ 719.00
Attorney fee to be paid in plan: \$ 2,281.00

The payment of administrative costs and aforementioned attorney fees are to be paid pursuant to Court order and/or local rules.

Automobile Insurance Co/Agent

Telephone/Fax: _____

Attorney for Debtor (Name/Address/Phone/Email)

James Clayton Gardner, Sr.

3012 Cauty Street

Pascagoula MS 39567

Telephone No. (228) 762-6555

Facsimile No. (228) 762-6589

Email address debbie@gardnerlawfirmmpc.com

DATED: _____

12-20-13

DEBTOR'S SIGNATURE

JOINT DEBTOR'S SIGNATURE

ATTORNEY'S SIGNATURE
